UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,563	06/28/2001	Tony G. Hamilton	42390P11843	7969

7590   09/23/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/896,563	HAMILTON ET AL.
	Examiner	Art Unit
	Jude J Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 06/28/2001.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-6, and 11-16 are rejected under 35 U.S.C. 102(e) as being

unpatentable by Jiang et al (U.S. 6,741,853 B1).

Regarding claim 1: Jiang et al teach a method for providing direct

storage access within a notebook computer comprising:

predetermining an environment given to a wirelessly enabled notebook

(column 5, lines 49-55; fig. 2, item 244);

determining if the notebook has been moved to a second environment

(column 4, lines 5-11);

determining if the second environment has been classified (column 4,

lines 27-33);

determining the notebook's user's identification (column 3, lines 63-67);

determining if data to be transferred to the notebook has been buffered (column 11, lines 15-22);

matching notebook resources to accommodate the data to be transferred (column 11, lines 23-26);

executing the data transfer (column 11, lines 23-26); and

returning notebook resources to an idle state (column 4, lines 42-51).

Regarding claim 2: Jiang et al teach (column 18, lines 34-41; *Note that the resource here is the cellular phone and the data is the permanent and temporary profiles, whereas the time is the time the user goes on vacation*) the method of claim 1, wherein a system time resource is apportioned according to the data received in a data transfer.

Regarding claim 3: Jiang et al teach (column 13, lines 4-9; *Note that "since less data is being transferred, less power is required, increasing power reserves"*) the method of claim 1, wherein a system power resource is apportioned according to the data received in the data transfer.

Regarding claim 4: Jiang et al teach (column 4, lines 52-57; *Note that the user is notified after the information request has been sent to the users device, but the user must make an explicit request for the transfer to take place*) the method of claim 1, wherein the user is notified of the data transfer after the notebook is returned to an idle state.

Regarding claim 5: Jiang et al teach (column 1, lines 42-46; *Note that the user device in the same field of endeavor can be any of voice only cellular phones, WAP phones, PDAs, one-way pagers, two way pagers, and laptop*

computers. Inherently, one of the pagers types may be used to send notification to the user) the method of claim 4 wherein the user is notified via a pager.

Regarding claim 6: Jiang et al teach (column 1, lines 42-46; *Note that the user device in this endeavor can be any of voice only cellular phones, WAP phones, PDAs, one-way pagers, two way pagers, and laptop computers. Inherently, that a voice only cell phone type as mentioned above may be used to send notification to the user)* the method of claim 4 wherein the user is notified via a cell phone.

Regarding claim 11: Jiang et al teach a machine-readable medium having stored thereon a set of instructions, which when executed, perform a method comprising:

predetermining an environment given to a wirelessly enabled notebook (column 5, lines 49-55; fig. 2, item 244);

determining if the notebook has been moved to a second environment (column 4, lines 5-11);

determining if the second environment has been classified (column 4, lines 27-33);

determining the notebook's user's identification (column 3, lines 63-67);

determining if data to be transferred to the notebook has been buffered (column 11, lines 15-22);

matching notebook resources to accommodate the data to be transferred (column 11, lines 23-26);

executing the data transfer (column 11, lines 23-26); and

returning notebook resources to an idle state (column 4, lines 42-51).

Regarding claim 12: Jiang et al teach (column 18, lines 34-41; *Note that*

the resource here is the cellular phone and the data is the permanent and

temporary profiles, whereas the time is the time the user goes on vacation) the

machine-readable medium of claim 11, wherein a system time resource is

apportioned according to the data received in a data transfer.

Regarding claim 13: Jiang et al teach (column 13, lines 4-9; *Note that*

"since less data is being transferred, less power is required, increasing power

reserves") the machine-readable medium of claim 11, wherein a system power

resource is apportioned according to the data received in the data transfer.

Regarding claim 14: Jiang et al teach (column 4, lines 52-57; *Note that*

the user is notified after the information request has been sent to the users

device, but the user must make an explicit request for the transfer to take place)

the machine-readable medium of claim 11, wherein the user is notified of the

data transfer after the notebook is returned to an idle state.

Regarding claim 15: Jiang et al teach (column 1, lines 42-46; *Note that*

the user device in the same field of endeavor can be any of voice only cellular

phones, WAP phones, PDAs, one-way pagers, two way pagers, and laptop

computers. Inherently, one of the pagers types may be used to send notification

to the user) the machine-readable medium of claim 14, wherein the user is

notified via a pager.

Regarding claim 16: Jiang et al teach (column 1, lines 42-46; *Note that*

the user device in this endeavor can be any of voice only cellular phones, WAP

phones, PDAs, one-way pagers, two way pagers, and laptop computers. It is

inherent to the invention that a voice only cell phone type as mentioned above

may be used to send notification to the user) the machine-readable medium of

claim 14, wherein the user is notified via a cell phone.

Claim Rejections - 35 USC § 103

3.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.　　Claims 7-10 are rejected under 35 U.S.C. 102(e) as being unpatentable

over Crump et al (U.S. 5,530,879) in view of Kau et al (U.S. 6,421,754 B1).

Regarding claim 7: Crump et al teach a device for providing direct

storage access within a notebook computer comprising:

a processor (fig. 1, item 40);

a clock generator (fig. 2, item 906);

a main CPU (fig. 1, item 41);

a graphical memory controllable hub (fig. 1, item 48);

a video controller hub (fig. 1, item 56);

a firmware hub (column 4, lines 28-34);

an input/output controller hub (fig. 1, items 76, 78);

Crump et al differ from the current invention in that it does not teach a system management controller that controls access to the notebook while the main CPU is idle.

However, Kau et al (column 38, lines 55-61; fig. 31, items 55-61) teach "*a block diagram of a system management interrupt circuitry* in *the CPU*". In the same field of endeavor, Crump et al teach a notebook computer accessed while the CPU is idle.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the device for providing direct storage access within a notebook computer Crump et al and incorporate Kau et al's system of management control access to the notebook while the CPU is idle to enhance data communication in the notebook.

Kau et al teach that it is old and well known in the networking art to get the advantage of using a system management controller with a CPU within a notebook computer to enhance data access. An artisan in the networking art at the time of the invention would have been motivated to include the system to get this advantage in a notebook computer.

Regarding claim 8: Crump et al teach a device for providing direct storage access but fail to teach a device within a notebook computer wherein the system management controller comprises interrupt circuitry.

However, Kau et al (column 38, lines 55-61; fig. 1, item 1620) teach "*a system management interrupt circuitry to form a distributed power management system*."

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the device for providing direct storage access within a notebook computer of Crump et al and incorporate Kau et al's system of management interrupt circuitry to enhance data storage access in the notebook.

Kau et al teach that it is old and well known in the networking art to get the advantage of using a system management interrupt circuitry within a notebook computer to enhance data access. An artisan in the networking art at the time of the invention would have been motivated to include the above system to get this advantage in a notebook computer.

Regarding claim 9: Crump et al teach a device for providing direct storage access but fail to teach a device wherein the system management controller utilizes a data/command/management bus.

However, Kau et al (column 48, lines 49-59) teach *"two sets of 16-bit data buses SDO and SDI, respectively specialized to carry input and output data in the form of generated signals to internal and outside destinations."*

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the device for providing direct storage access within a notebook computer of Crump et al and incorporate Kau et al's system of data/command/management bus to enhance data communications in the notebook.

Kau et al teach that it is old and well known in the networking art to get the advantage of using a system of data management bus within a notebook computer to enhance data access. An artisan in the networking art at the time of

the invention would have been motivated to include the above system to get this advantage in a notebook computer.

Regarding claim 10: Crump et al teach a device for providing direct storage access but fail to teach a device wherein the system management controller awakens an idle storage device and allows a data transfer to take place.

However, Kau et al (column 14, lines 7-22) teach "*a system management mode using interrupt routines to support memory mapping into main DRAM memory. Note that the main purpose of the interrupt is to awaken the memory in its idle state*"

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the device for providing direct storage access within a notebook computer of Crump et al and incorporate Kau et al's system of management device that awakens the idle memory storage to facilitate data transfer in the notebook.

Kau et al teach that it is old and well known in the networking art to get the advantage of using a system management device that awakens a storage device within a notebook computer to improve data transfer. An artisan in the networking art at the time of the invention would have been motivated to include the system to get this advantage in a notebook computer.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (703) 305-0269. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.
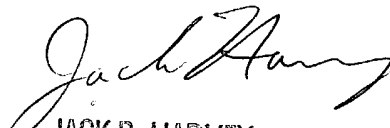
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

September 20, 2004